

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

In re

Lamara Mills aka Lamarra Stone

CHAPTER 13
CASE NO. 8:15-bk-04625-KRM

Debtor(s)
_____ /

**OBJECTION BY WELLS FARGO BANK, N.A. TO CONFIRMATION
OF CHAPTER 13 PLAN FILED BY THE DEBTOR(S)**

WELLS FARGO BANK, N.A. ("Creditor"), by the undersigned attorneys, objects to confirmation of the Plan ("Plan") as proposed by the Debtor(s) and any future Plan(s) filed by the Debtor(s) to the extent that such Plan or Plans contain the provision(s) to which this Objection is directed. In support of this Objection, the Creditor states as follows:

1. For value received, the Debtor(s) executed and delivered a Note and Mortgage ("Loan Documents") as evidence of indebtedness to Creditor. Said indebtedness is secured by property more particularly described in the Mortgage as: REAL PROPERTY LOCATED: 3153 CLOVER BLOSSOM CIR LAND O LAKES, FL 34638-7987, LEGALLY DESCRIBED AS: ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF PASCO STATE OF FLORIDA, DESCRIBED AS FOLLOWS

LOT 4, BLOCK 10, SUNCOAST MEADOWS INCREMENT TWO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 55, PAGE 129, OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA ("Collateral"). Reasons for objection:

Failure to Provide for Full Payment of Prepetition Arrearages

2. The Creditor will be filing a Claim which sets forth prepetition arrearages in the approximate amount of \$50,918.38, which are due and owing in regards to the loan.

3. The Plan fails to provide for payment of the full amount of these prepetition arrearages through the Plan.

4. The Plan fails to comply with 11 U.S.C. §1325 (a)(5) in that it does not provide adequate protection for Creditor's interest pursuant to 11 U.S.C. §361. In addition, Creditor does not agree to such treatment through the Plan.

Failure to Provide for Correct Monthly Payment

5. The Creditor will be filing a claim which sets forth the monthly payment at the time the bankruptcy petition was filed to be in the amount of \$876.86, with regards to the loan account.

6. The Plan fails to provide for payment of the full amount through the Plan.

7. The Plan fails to comply with 11 U.S.C. §1325 (a)(5) in that it does not provide adequate protection for Creditor's interest pursuant to 11 U.S.C. §361. In addition, Creditor does not agree to such treatment through the Plan.

8. Creditor is aware that the Plan proposes a Mortgage Modification; however, such modification has not been entered into at this point and Creditor is filing this objection to preserve its rights in regards to a Plan that does not conform to the Creditor's Proof of Claim.

9. Creditor will withdraw this Objection in the event that the Plan is amended to conform to the Creditor's proof of claim or otherwise satisfactorily address the issue(s) raised in this Objection.

WHEREFORE, Creditor prays for the entry of an appropriate order denying confirmation with respect to the Plan as proposed and any future Plan(s) filed by the Debtor(s) to the extent that such Plan or Plans contain the provisions to which this Objection is directed.

/s/ Nicole Mariani Noel
Nicole Mariani Noel
Kass Shuler, P.A.
P.O. Box 800
Tampa, FL 33601
Phone: (813) 229-0900 Ext. 1343
Fax: (813) 229-3323
nmnoel@kasslaw.com
Florida Bar No. 69883

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT a true and correct copy of the foregoing was furnished on July 8, 2015, by U.S. Mail and/or electronic mail via CM/ECF pursuant to Local Rule 7005-3 to: Lamara Mills aka Lamarra Stone, 3153 Clover Blossom Circle, Land O Lakes, FL 34638; Kevin Garriss, Esq., 3000 Gulf To Bay Blvd 2nd Floor, Clearwater, FL 33759; Kelly Remick, Trustee, Post Office Box 6099, Sun City Center, FL 33571.

Rule 7005-3

SERVICE BY ELECTRONIC MEANS UNDER RULE 5(b)(2)(D)

A party may make service under Rule 5 (b) (2) (D) of the Federal Rules of Civil Procedure through the Court's electronic transmission facilities if the party being served is a Filing User or otherwise consents in writing to electronic service.

/s/ Nicole Mariani Noel
Nicole Mariani Noel (x1343)

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